

Application No. 09/307,195  
Filed: May 7, 1999  
TC Art Unit: 3625  
Confirmation No.: 4520

REMARKS

Claims 1-3, 5-10, 12-14, 16, 25-27, 29-34, 36, 41, 42 and 44-49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Benetti et al. The Office Action indicates that the "entirety of the single Benetti et al. disclosure" has been relied upon to anticipate the rejected claims. The Office Action references the ports 70 "for receiving a suture line" and the further statement at column 7, lines 20-24, that "the contact members 1 may have apertures, openings or attachments to facilitate connection with sutures or other devices to achieve the requisite stabilization." Notwithstanding the noted disclosure in Benetti, and even assuming the different elements noted in the Office Action can be combined in the manner suggested, Benetti fails to disclose the recited structure. The Examiner's attention is directed to the relationship shown between the cord and the retaining element illustrated in Fig. 5 of the application. Note that artery 86 is "sandwiched" between cord 76 and retainer surface 94.

This is the unique relationship provided by the claimed structure. Thus, even assuming that Benetti mere to disclose the use of a suture that were to span across opening 61 between two ports 70 (which Benetti does not teach or suggest) such a use of Benetti would not describe this "sandwich" structure. It is this

-11-

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
TEL. (617) 542-2290  
FAX. (617) 451-0313

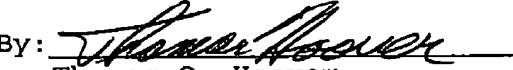
Application No. 09/307,195  
Filed: May 7, 1999  
TC Art Unit: 3625  
Confirmation No.: 4520

relationship of the cord 76 and surface 94 that are on opposite sides (the "first side" and the "second side" in claim 1) of the artery which is not possible from the teaching of Benetti. Applicant's attorney respectfully requests a telephone interview to discuss the above issue with the Examiner. Reconsideration is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

WILLIAM COHN

By:   
Thomas O. Hoover  
Registration No. 32,470  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, MA 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

TOH/trb  
326746-1

326746.1

-12-

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
TEL. (617) 542-2290  
FAX. (617) 451-0313